

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:02CR46-01
)	
JONATHAN DAVID LYNN, SR.)	
Defendant.)	

ORDER

THIS MATTER is before the Court on motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Jonathan David Lynn, Sr., to time served, and commencement of a four-year term of supervised release previously imposed.

The Court finds:

1. Jonathan David Lynn, Sr., pled guilty to Conspiracy to Possess with the Intent to Distribute Marijuana in violation of 21 U.S.C. §§ 841 (a)(1), 841(b)(1)(A), and 851.

2. Mr. Lynn was sentenced on March 28, 2003, in the United States District Court for the Western District of North Carolina, to a 120-month term of imprisonment followed by a four-year term of supervised release.

3. His projected release date is January 27, 2011, via Good Conduct Time. He will not survive to that date.

4. Mr. Lynn, age 50, has been diagnosed with metastatic lung cancer that has spread to the brain. In September, a brain lesion was noted behind his right eye, and has since caused complete blindness in that eye. Mr. Lynn needs assistance with all of his Activities of Daily Living (self-care), is confined to his bed, is incontinent, and is confused at times. The focus of care is on palliative and comfort care. His condition is deteriorating and his life expectancy is less than four months.

5. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the Bureau of Prisons, to modify a

term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court agrees, that the defendant's terminal medical condition and limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the motion is **ALLOWED**, and the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving a four-year term of supervised release previously imposed.

Signed: December 7, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

